

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 11-167
Table of Allotments)	RM-11645
FM Broadcast Stations)	
(Altamont, Oregon))	FILED/ACCEPTED

TO: The Secretary
ATTN: Chief, Policy Division
Media Bureau

DEC - 5 2011

Federal Communications Commission
Office of the Secretary

COMMENTS OF THRESHOLD COMMUNICATIONS

Threshold Communications ("Threshold"), by counsel, hereby submits its Comments in response to the Commission's *Notice of Proposed Rulemaking*, DA-11-1711, rel. October 14, 2011, in the above-identified proceeding. In response to a Petition for Rulemaking filed by Threshold on June 30, 2011, the Commission proposes to delete the vacant Channel 249C1 at Altamont, Oregon from the Table of Allotments and replace it with Channel 235C1. Threshold does not intend to apply for the Altamont station. It submitted this proposal only to facilitate its request to use Channel 249A in connection with its application for a new station at Butte Falls, Oregon.¹ Threshold supports the proposal and urges the Commission to adopt it.

The Commission has asked for commenters to address its finding that the adoption of different reference coordinates for the Altamont allotment would result in a potential net loss of service to 57,827 persons. This loss is largely irrelevant in the context of this proceeding. The

¹ File No. BNPH-20110630AHK.

Altamont allotment is vacant. The Commission has frequently ruled that the loss of service from unbuilt facilities does not present the same loss of service concerns as removal of a licensed station. *See, Glenco and Le Sueur, Minnesota*, Report and Order, 7 FCC Rcd 7651 (MMB, 1992); *Linden Texas, et al.*, Report and Order, 16 FCC Rcd 10853 (MMB 2001).

Aside from that precedential policy, the potential loss of population coverage by the vacant Altamont allotment would at best be a fourth tier priority under the Commission's policies and procedures for FM allotments, falling under the category of "Other public interest matters."² This is outweighed by the need to preserve the first local transmission service at Butte Falls – the priority in the third category of allotment priorities. As explained in Threshold's Petition for Rulemaking, the reference coordinates for the current frequency at Butte Falls, Channel 290A are restricted, and place the antenna site at a completely untenable location – a location where it appears very unlikely that a station could ever be constructed on Channel 290A. Thus the selection of a better site for the Butte Falls facility on a different channel is critical to the preservation of the allotment and the possibility of any local transmission service for that community.³ There is no other aural local transmission service assigned to Butte Falls. The substitution of channels at Altamont is critical to facilitating this change at Butte Falls, and therefore is also critical to preserving the first local transmission service for Butte Falls.

The preservation of a first local transmission service for Butte Falls in the context of the reality of a pending application for a new station and the prospect for immediate service far

² *See, Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

³ It may be noteworthy to observe that even the original proponent of the Butte Falls allotment did not follow through by participating in the auction where the permit for this allotment was offered.

outweighs the mere *potential* loss of service in the Altamont area – for which no real application or antenna site has yet been proposed. The Commission would be rightly justified in adopting the changes proposed for the Table of Allotments and Threshold urges the Commission to adopt them.

Respectfully submitted,

THRESHOLD COMMUNICATIONS

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